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FROM: Wendy M. Lee
 Registration No.: 40,378

RE: U.S. Serial No.: 09/863,101
 Our Docket No.: P1829R1

Number of Pages including this cover sheet - 13

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Enclosed for consideration and entry on the record in connection with the above application are: this cover page, RCE Transmittal(dup), Amendment, Extension of Time (dup) and Fees \$770 and \$950.

PTO/SB/30 (05-03)

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<p style="text-align: center;">Request For Continued Examination (RCE) Transmittal</p> <p>Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p>	<i>Application Number</i>	09/863,101
	<i>Filing Date</i>	5/18/01
	<i>First Named Inventor</i>	Robert D. Mass
	<i>Art Unit</i>	1642
	<i>Examiner Name</i>	Misook Yu
	<i>Attorney Docket Number</i>	P1829R1

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

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Name (First/Type)	Anna Kan	Date	6-24-04
Signature	Anna Kan		

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Request**For****Continued Examination (RCE)
Transmittal**

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number

09/863,101

Filing Date

5/18/01

First Named Inventor

Robert D. Mass

Art Unit

1642

Examiner Name

Misook Yu

Attorney Docket Number

P1829PH

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- 1. Submission required under 37 CFR 1.114:** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. Consider the arguments in the Appeal Brief or Rely Brief previously filed on _____
ii. Other _____

- b. Enclosed

- i. Amendment/Reply iii. Information Disclosure Statement (IDS)
ii. Affidavit(s)/Declaration(s) iv. Other _____

2. Miscellaneous

- a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
b. Other _____

3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 07-0630

- i. RCE fee required under 37 CFR 1.17(e)
ii. Extension of time fee (37 CFR 1.136 and 1.17)
iii. Other _____
b. Check in the amount of \$ _____ enclosed
c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Wendy M. Liao, N.P.	Registration No. (Attorney/Agent)	40,373
Signature			

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Name (Print/Type)	Anna Kan	Date	6-24-04
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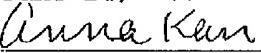
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OFFICIAL

Patent Docket P1829R1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Robert D. Mass Serial No.: 09/863,101 Filed: May 18, 2001 For: GENE DETECTION ASSAY FOR IMPROVING THE LIKELIHOOD OF AN EFFECTIVE RESPONSE TO AN ERBB ANTAGONIST CANCER THERAPY	Group Art Unit: 1642 Examiner: Misook Yu Confirmation No. 9233 Customer No. 09157
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<small>June 24, 2004</small>  <small>Anna Kan</small>	

AMENDMENT TO ACCOMPANY A RCE

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the final Office Action mailed August 25, 2003, reconsideration of the present application is respectfully requested in view of the following amendments and remarks. A notice of appeal was received by the Patent Office on January 29, 2004. This amendment is accompanied by a 3 month extension of time.

Please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 3 of this paper.